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INFO RUCNASE/ASEAN MEMBER COLLECTIVE
RUEHGG/UN SECURITY COUNCIL COLLECTIVE
RUEHBY/AMEMBASSY CANBERRA 0521
RUEHNE/AMEMBASSY NEW DELHI 4053
RUEHUL/AMEMBASSY SEOUL 7611
RUEHKO/AMEMBASSY TOKYO 5168
RUEHGV/USMISSION GENEVA 3302
RHHMUNA/CDR USPACOM HONOLULU HI
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RUEHBS/USEU BRUSSELS
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C O N F I D E N T I A L SECTION 01 OF 02 RANGOON 000897

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STATE FOR EAP, IO AND DRL
PACOM FOR FPA
US MISSION GENEVA FOR LABOR ATTACHE

E.O. 12958: DECL: 09/18/2017
TAGS: [ELAB](#) [PGOV](#) [PREL](#) [PHUM](#) [BM](#)
SUBJECT: GOB DEFENDS PUNISHMENT OF SIX LABOR ACTIVISTS

REF: A. RANGOON 853
[1](#)B. RANGOON 721

Classified By: Economic Officer Samantha A. Carl-Yoder for reasons 1.4
(b and d)

[1](#)1. (C) Summary. In a meeting with ILO Liaison Officer Steve Marshall, the Minister of Labor defended the September 7 conviction of six labor activists for their affiliation with a May 1 labor workshop at the American Center. He denounced claims that the six were being punished for filing forced labor cases with the ILO and asserted that the GOB had "strong evidence" linking the six to the Burma Free Trade Union (FTUB), a Burmese government-designated terrorist organization. While the Minister of Labor warned Marshall that his interest in the case was outside the mandate of the ILO, Marshall said that the case involved freedom of association principles, which are followed by the ILO. He also warned that the ILO will likely call on the GOB to explain this case at the November ILO Governing Body meeting.
End Summary.

Claiming Terrorist Links

[1](#)2. (C) On September 7, the Burmese courts convicted six labor activists arrested in connection with a May 1 labor seminar at the American Center of sedition and immigration violations under 124(a) of the Penal Code. They were sentenced to prison terms of between 20 and 28 years (Ref A). The ILO office in Geneva, concerned that the GOB was unfairly targeting these individuals due to their relationship with the ILO, issued a press release on September 12 calling for the immediate release of the six activists. According to the ILO statement, the severe sentence was "unwarranted and can harm the few processes of engagement that exist."

[1](#)3. (C) Upset about the above statement, the Burmese Minister of Labor met with ILO Liaison Officer Steve Marshall on September 17 to defend the court's decision to convict the activists. The Minister emphasized that the cases had nothing to do with forced labor, May Day, or freedom of

association; rather, the court convicted the six individuals based on "strong evidence" linking them to the Burma Free Trade Union (FTUB), a government-designated terrorist group. The GOB had been monitoring their activities for months, the Minister explained, and had information that they received funds from the FTUB to undermine the government. The sedition charges are valid, he asserted, and the immigration charges stem from their clandestine meetings and communications with individuals living outside of Burma. The Minister also declared that Marshall was acting outside of the ILO mandate, since the cases were not related to forced labor.

14. (C) Marshall requested court transcripts, and warned that the GOB needed to be aware of public perceptions. The police arrested the four of the six individuals on May Day, outside of the American Center, he stressed. The timing of the arrests is suspect, and the ILO wants to ensure transparency in the legal process. ILO interest in the case is two-fold: while the case may not involve forced labor, it involves freedom of association principles, which are upheld by the ILO. Additionally, the FTUB is a member of the International Confederation of Trade Unions, which is under the umbrella of the ILO. Marshall warned that this case will not go away quickly, and may be on the agenda at the November ILO Governing Body meeting.

15. (C) The Minister responded that the GOB continues to uphold the Freedom of Association and Protection of the Right to Organize Convention. He pointed out that the Convention defers to local law. Association with an illegal terrorist organization constitutes sedition under Burmese law, he emphasized, and thus their conviction for cavorting with the

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FTUB does not violate the Convention. The Minister then mentioned that several hundred Americans were arrested in front of the U.S. Congress for protesting the Iraq war and inquired whether the ILO is taking an interest in that case. "There is no difference between the American Government's action and ours. Why are we being penalized?" he asked.

16. (C) The families of the activists told Marshall that they would appeal the decision within 60 days. Marshall advised the Minister of Labor not to wait for the imminent appeal, and recommended that the higher authorities review the case to ensure the courts made the right decision and did not violate the Freedom of Association and Protection of the Right to Organize Convention. The Labor Minister noted the advice and said he would take the case to "appropriate authorities."

Comment

17. (C) The GOB has tried to hype the reestablishment of a mechanism to investigate forced labor complaints as evidence that they are working cooperatively with the ILO. The secret trials and long sentences handed out to the labor activists do violate a core labor principle. Burma should be criticized for their actions at the next Governing Body meeting. The GOB needs to be reminded that they do not make the rules for international organizations. They have taken on commitments and violated them.

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